

ESTTA Tracking number: **ESTTA853063**

Filing date: **10/18/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	American Marriage Ministries		
Entity	Corporation	Citizenship	Washington
Address	506 2nd Ave Suite 1008 Seattle, WA 98104 UNITED STATES		

Attorney information	Nancy V. Stephens Foster Pepper PLLC 1111 3rd Avenue Suite 3000 Seattle, WA 98101 UNITED STATES Email: nancy.stephens@foster.com Phone: 206-447-8925
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Applicant Information

Application No	87430729	Publication date	09/19/2017
Opposition Filing Date	10/18/2017	Opposition Period Ends	10/19/2017
Applicant	Universal Life Church Monastery Storehouse, Inc. 1425 Broadway #67 Seattle, WA 98122 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2016/11/17 First Use In Commerce: 2016/11/17 All goods and services in the class are opposed, namely: On-line retail store services featuring clothing in the nature of shirts, hats, and stoles, stationery, business cards, bumper stickers, license plate holders, badges, pens, pins, musical sound recordings, bookmarks, bread, aromatic oil, portfolios, and publications in the nature of books, hand-outs, workbooks, manuals, brochures, and newsletters in the fields of religion, spirituality, marriage, law, and management
Class 045. First Use: 2011/07/10 First Use In Commerce: 2011/07/10 All goods and services in the class are opposed, namely: Conducting religious ceremonies; Ecclesiastical services, namely, ordaining ministers to perform religious ceremonies; Providing a website featuring information about religious belief systems

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45
The mark comprises matter that, as a whole, is	Trademark Act Section 2(e)(5)

functional	
Failure to function as a mark	Trademark Act Sections 1, 2 and 45
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	AMERICAN MARRIAGE MINISTRIES NOP.pdf(96223 bytes)
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Signature	/Nancy V. Stephens/
Name	Nancy V. Stephens
Date	10/18/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 87430729
Published in the Official Gazette on September 19, 2017

American Marriage Ministries)	
Opposer)	Opposition No.
)	
v.)	
)	
Universal Life Church Monastery Storehouse, Inc.)	
Applicant)	
)	

NOTICE OF OPPOSITION

American Marriage Ministries, a Washington not for profit corporation (the “Opposer”), whose principal place of business is 506 2nd Ave, Suite 1008, Seattle, Washington, 98104, believes that it would be damaged by registration of the mark GET ORDAINED, which is the subject of application Serial No. 87430729 and has opposed the same.

As grounds of opposition, it is alleged that:

1. On information and belief, Universal Life Church Monastery Storehouse, Inc., a Washington Corporation (“Applicant”) is the owner of Application Serial No. 87430729, filed on April 28, 2017 (“Application”) and seeks to register the mark “GET ORDAINED” to cover, “online retail store services featuring clothing in the nature of shirts, hats, and stoles, stationery, business cards, bumper stickers, license plate holders, badges, pens, pins, musical sound recordings, bookmarks, bread, aromatic oil, portfolios, and publications in the nature of books, hand-outs, workbooks, manuals, brochures, and newsletters in the fields of religion, spirituality, marriage, law, and management” in *International* Class 35, and “conducting religious ceremonies; Ecclesiastical services, namely, ordaining ministers to perform religious ceremonies; Providing a website featuring information about religious belief systems” in

International Class 45 as evidenced by the publication of such mark in the Official Gazette on September 19, 2017.

2. The Application was filed on the basis of use claiming a date of first use in interstate at least as early as November 17, 2016 for Class 35 services and as early as July 10, 2011 for class 45 services.

3. The class 35 services covered by the Application are all related to the process of becoming or getting “ordained.”

4. The class 45 services covered by the Application are all related to the process of becoming or getting “ordained.”

5. The phrase “Ecclesiastical services, namely, ordaining ministers to perform religious ceremonies” means essentially providing services to allow others to “get ordained.”

6. The word “ORDAINED” is not disclaimed apart from the mark in its entirety on the application in connection with any of the listed services.

7. Opposer owns and operates the not for profit business called American Marriage Ministries and since 2009 has provided services to help individuals become or “get” ordained as a minister.

8. The term “get ordained” is a “term of art” for the services connected with ordination services.

9. The term “get ordained” is generic for ordination services.

10. Businesses and competitors should be free to use generic or descriptive language when describing their own goods and/or services to the public in advertising and marketing materials.

11. There are other competing businesses offering services similar to Applicant’s services who also use “get ordained” to describe what their services enable customers to do.

12. There were in fact other competing businesses using “get ordained” to describe what their services enable customers to do at the time Applicant signed the oath associated with its Application.

13. Prior fair users of the term “get ordained” have legal rights superior to the Applicant’s rights associated with the term.

14. When it filed its Application, Applicant had actual knowledge of other parties using “get ordained” in connection with the sale of retail goods and services enabling consumers to become or “get” ordained.

15. Applicant believed, or had no reason not to believe, that its claim of trademark rights in and to the mark GET ORDAINED would result in harm to others who would be denied unencumbered fair use of the term of art associated with their services.

16. When Applicant filed its Application, it fraudulently and with disregard for the truth, attested that Applicant had exclusive rights to use the mark GET ORDAINED in connection with its services.

17. In failing to disclose the facts of prior third party use of “get ordained” in connection with the services, Applicant intended to procure a registration to which Applicant was not entitled.

18. To the extent Registrant’s Registration was ever valid, evidence of significant use of “get ordained” by competitors tends to indicate the mark has lost its significance as a trademark.

19. If the mark GET ORDAINED were capable of functioning as a trademark, evidence of significant use of “get ordained” by competitors tends to indicate the mark has lost its significance as a trademark or has been abandoned.

20. The mark GET ORDAINED for services related to ordination services is incapable of serving the function of a trademark to identify the services of one particular owner and therefore registration of the mark GET ORDAINED should not be allowed.

21. If Applicant is permitted to register GET ORDAINED for the services specified in the Application, damage and injury to Opposer will be caused and will result because Opposer will be denied the right to freely use the words “get ordained” to describe its offered services.

22. Applicant’s ownership of a registration for GET ORDAINED could block Opposer’s and other competitor’s fair and essential use of “get ordained” or “getting ordained” in connection with offered ordination services.

23. If Applicant is granted a registration for the GET ORDAINED mark, Applicant will obtain at least a *prima facie* exclusive right to use the GET ORDAINED mark. Such registration would be a source of damage and injury to Opposer and be inconsistent with trademark law.

WHEREFORE, for the reasons set out herein, the Opposer prays that the Application, Serial No. 87430729 in *International* Classes 35 and 45, be denied and refused.

Dated: October 18, 2017

/Nancy V. Stephens/
Nancy V. Stephens, WSBA No. 31510
Attorneys for Opposer
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Seattle, Washington 98101-3299
206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2017, I served the foregoing Notice of Opposition on the applicant by email at the address below and by depositing a true copy thereof in a sealed envelope, postage prepaid, in First-Class U.S. mail addressed to applicant as follows:

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/Renee Stewart/
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